IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1137 OF 2007

Gaus Gulam Ansari ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.P.Kadam, Adv. for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 16th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.551 of 2006 of Goregaon Police Station. The said case is under Section 302 of IPC.

3. The case against the applicant is that he assaulted deceased Bharat Kadam with stick. It the case of prosecution that coaccused assaulted deceased Bharat Kadam with weapon like wooden cricket stump on the head and the applicant assaulted with stick.

4. Mr.Kadam, the learned Advocate for the Applicant has submitted that the cause of death of Bharat Kadam is head injury. He has further submitted that there is a cross-case and the present applicant is the complainant in the cross-case. He has further pointed out that the present applicant and one other person Mohammed Aktar from his side was injured in the said incident. This fact is admitted by the learned APP. The complainant has sustained three injuries in the said incident and Mohd. Akhtar has sustained three injuries in the said incident.

5. Mr.Kadam, further submitted that because the accused in the cross case had come to them and started assaulting them, thereafter those persons were assaulted by the applicant and others.

6. The investigation in the present case is over and the charge-sheet has been filed. The applicant is a young boy. Moreover, besides the present case, the applicant has a clean record.

7. In view of all the above facts, I am

inclined to grant bail to the applicant.

8. The applicant - Gaus Gulam Ansari to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant shall not threaten the witnesses. The applicant shall report to Goregaon Police Station once in a week, till conclusion of the trial.

9. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)